

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**HOPE HARPER, Individually and as  
personal representative of the estate of  
LARRY HARPER, deceased,**

Plaintiff,

vs.

**CIV NO. 96-1048 BB/WWD**

**THE CITY OF ALBUQUERQUE, ALBUQUERQUE  
POLICE DEPARTMENT, CHIEF OF POLICE JOE POLISAR,  
Individually in his official capacity, and  
ED SAUER, Individually in his official capacity,**

Defendants.

**MEMORANDUM OPINION AND ORDER**

This matter comes before the Court upon Plaintiff's First Motion to Compel Discovery filed December 2, 1997. Plaintiff seeks an order compelling Defendants to respond to requests numbered 7d, 8, 9, 10, 12, 13, 15, 16, 17, 19, 23, 24, 25, 26, 27, 28, and 29 of Plaintiff's Request for Production. With respect to requests numbered 9, 10, 12, 13, 15, 16, and 17, Defendants interposed a "conditional" objection which disappeared when certain motions to dismiss were denied. The motions have now been denied and the materials sought in those requests should be produced. I note that request 13 is also objected to as being "overly broad and unduly burdensome." Defendants fail to give enough data for me to find that compilation of the materials sought would be "overly broad and unduly burdensome." Accordingly, that objection is also overruled. No objection to request 7d was made, and the response does not address that request. Defendant should either produce the materials sought in 7d or respond that no such materials

exist. With the exception of materials covered by the psychotherapist-patient privilege, all materials sought in request 8 should be produced. The materials sought in requests 24, and 29 should be produced. No further production will be required with respect to requests 19, 23, 25, 26, and 27. Copies of the materials sought in request 28 shall be delivered to the undersigned for an in camera inspection pursuant to the protective order heretofore entered in this cause. The in camera inspection materials as well as the material required to be produced to Plaintiff, should be delivered or served on or before January 9, 1998.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE